

In The United States District Court, Northern District.

Cortez Foster, Pro Se,  
Plaintiff,

V.

Joliet Treatment Center,  
Water, et. al.  
Defendant.

Case #no; 1:22-cv-06716.

Honorable Steven C. Seeger.

**FILED**

OCT 21 2024

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

Motion For a Judgment of Contempt, For Failure to Comply to a Court order, The Defendants.

Now Comes, Plaintiff, Cortez Foster, is currently Detained in the Cook County Department of Corrections, County Jail. Files this Motion For a Judgment of Contempt against all of the Defendants in this matter, is so Stated.

① A Notification of Docket Minute entry before the Honorable Steven C. Seeger was entered on July 8th 2024, this Court ordered the parties to submit a joint status report on the progress of settlement discussions by August 7th 2024. But the parties did not take heed to this Court that should have submitted the joint report by August 16, 2024.

② It is well settled and entered by the Court that this report is overdue, leaving all Defendants in Contempt of a Court order, Failure to Comply, and Plaintiff ask this Court to award Plaintiff the appropriate relief.



- ③ Plaintiff has submitted to the Court a number of status reports seeking to discuss settlement, as well as Plaintiff has submitted to the Defendants status reports seeking to discuss settlement, but the Defendants have not submitted to the Court and status report to discuss settlement or how they will proceed in this matter.
- ④ It is well settled that the Plaintiff's has suffered a number of serious medical and mental ~~in~~ injuries from consuming Stateville C.C. contaminated water for years, and the Defendants have committed a number of water supply violations with their water supply, pertaining with the EPA.
- ⑤ The Defendants knew that this water supply has over 90 deadly toxins in it but permitted and allow Plaintiff to consume this toxic water since 2014 until 2023.
- ⑥ This toxic water supply is one of the main conditions that has lead the Federal Court to close Stateville C.C. down for violating all conditions of confinement, Rules, laws, standards and Regulations.
- ⑦ Plaintiff's first offer to settle the case, was \$250,000<sup>00</sup>, Plaintiff came down to \$175,000<sup>00</sup>, then Plaintiff came down to \$5000.00, then Plaintiff came down to \$3000.00 and the Filing Fee, all discussed with the Defendants Attorney, still the Defendants will not settle this case, or take heed to the Court order to discuss settlement, so Plaintiff ask this Court to award, and compensate the Plaintiff in the amount of \$2000.00 Per Defendant as well as the Filing Fee.



- ⑧ The Defendants have disobeyed the court order and are in contempt, and the Defendants, as well as the Defendants Attorney had actual notice of the court order, both Failed to comply.
- ⑨ This court has inherent power to make additional orders when a order has been disobeyed or has Failed to achieve its purpose.

### Civil Case law in Support..

- ① Rule 65(d)(2), Fed. R. Civ. P. Some courts have held that a party need only have Constructive notice, which means no actual knowledge, but the ability to ~~ac~~ acquire knowledge by reasonable diligent inquiry, such in this case, Through all Defendants Attorney.
- ② See, Morales Feliciano V. Hernandez Colon, 704 F. Supp. 16, 19 C.O.P.P. 1988) (Prison staff with notice could be held liable). Defendants are liable.
- ③ See, Merrinweather V. Sherwood, 250, F. Supp. 2d. 391, 394.-95, (S.D.N.Y. 2003) (damages for civil contempt limited to compensation for losses suffered, Plaintiff has suffered losses and injury.
- ④ See, Root V. Woolworth, 150 U.S. 401, 410, -411, 14 S. Ct. 136. (1893) (it is well settled that a court of equity has jurisdiction to carry ~~out~~ into effects its own orders, decrees and judgments.



- ⑤ Plaintiff seek this judgment of Contempt of a Court order against all Defendants, for unjustifiably ~~fail~~ Failed to comply with the order, and Plaintiff has met the burden of providing noncompliance by clear and convincing evidence, see Attached Exhibit A.1-2, of the August 9th 2024, Minute entry, stating that the Parties have missed the deadline to submit a joint ~~set~~ Status report on the progress of Settlement discussions by August 7th 2024.
- ⑥ The attached Notification of Docket Entry, states that the report is overdue, and that the parties must submit the joint report as previously directed, by August 16, 2024, A Failure to comply will lead to appropriate relief. The Defendant have Failed to Comply.
- ⑦ Plaintiff ask the Court to Grant him the appropriate relief that is so stated in this Motion. Today is ~~November~~<sup>October</sup> 13th 2024, and the report is well over due.

### Certificate of Service

I, Plaintiff, Cortez Foster, swear under penalty of perjury that I served a copy of the attached document on Defendants Counsel, James Robinson at 115, South LaSalle Street, Chicago, IL, 60603, by placing it in the mail at Cook County Department of Corrections, County Jail Mail on, 10-13-2024.

Cortez Foster  
Cortez Foster

#20230718155.

Date, 10-13-2024.

Exhibit A.  
1-2

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1  
Eastern Division**

Cortez Foster

Plaintiff,

v.

Case No.: 1:22-cv-06716

Honorable Steven C. Seeger

Daly, et al.

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Friday, August 9, 2024:

MINUTE entry before the Honorable Steven C. Seeger: On July 8, 2024, this Court ordered the parties to submit a joint status report on the progress of settlement discussions by August 7, 2024. See 7/8/24 Order (Dckt. No. [83]). The parties missed the deadline. The report is overdue. The parties must submit the joint report, as previously directed, by August 16, 2024. A failure to comply will lead to appropriate relief. Mailed notice(jjr, )

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at [www.ilnd.uscourts.gov](http://www.ilnd.uscourts.gov).

Got mail on  
9-18-24.

~~A~~ 2

Cortez Foster  
2023-0718155  
Cook County Department of Corrections  
2700 S. California Ave.  
Chicago, IL 60608

1:22-cv-06716

STATE OF ILLINOIS )

) SS

COUNTY OF Cook. )

## AFFIDAVIT

1. Cortez Foster, Plaintiff. being first duly sworn under oath depose and state that the foregoing is true and correct and made upon my personal knowledge and I am competent to testify thereto.

This matter is of the case Foster V. Joliet Treatment Center Water et al, Pertaining To the Defendants have not complied to a court order to submit a status report to discuss settlement. This status report is well over due. Plaintiff seeks compensation in the amount of \$2000.00. Per Defendant, as well as the Filing Fee in this matter. It is Evident that the Defendants have violated this order, and the Plaintiff has suffered a grave loss and Injury by the Defendants violations with their water supply at Stateville Correctional Center, knowing that their water supply contained over 90 different deadly toxins, that it is well noted that the Plaintiff has suffered, and developed a number of serious medical conditions, from consuming this dangerous toxic water, including lead poisoning, which the EPA standard for lead in the drinking water as well as in the body are zero. There is no safe level. Plaintiff is in fear of developing cancer in the future. Defendants have committed multiple violation of conditions of confinement, that has caused Stateville C.C. to close down. Plaintiff seeks the appropriate relief so stated in this attached Motion for a Judgment of Contempt against all Defendants, for failure to comply to a Court Order.

Pursuant to 28USC 1746, 18USC 1621 or 735 ILCS 5/109, I declare, under the penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that information contained therein is true and correct to the best of my knowledge.

DATE 10-13-20241st Cortez FosterAFFIANT Cortez Foster IDOC# 20230718155Cook County Department CORRECTIONAL CENTER2700, S. California, Av, D2.02.11.22  
Chicago, IL, 60608.



In The United States District Court, Northern District.

Cortez Foster, Pro Se, Plaintiff, V. Joliet Treatment Center Water, et. al. <u>Defendants.</u>	}	Case # No, 1:22-CV-06716,  Honorable Steven C. Seeger
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Proof / Certificate OF Service

To Clerk's Office,  
U.S. District Court,  
219, South, Dearborn St, 20th Floor,  
Chicago, IL, 60604.

To, Defendants Attorney, James Robinson,  
115, South, LaSalle, Street,  
Chicago, IL, 60603.

Please take notice that on, ~~14~~ October 13, 2024, I have placed the documents listed below in the institutional mail at, Cook County Department of Corrections, properly addressed to the parties listed above for mailing through the United States Postal Service, is the attached Motion For a Judgment of Contempt against the Defendants For Failure to Comply with a Court order, and Exhibit A<sup>#</sup> 1-2.

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/1-109, I declare, under penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

Date, 10-13-2024.

Cortez Foster  
#20230718155.



Name: Cortez Foster  
ID: 20230718185  
Div. 2 Tier: 02-1122  
2700 S. California Ave.  
Chicago, IL 60608

Legal Mail

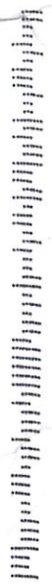
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10/15/2024 ZIP 60608  
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US POSTAGE

To, Clerk's Office U.S. District Court,  
219, South Dearborn St, 20th Floor.  
Chicago, IL, 60604.

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10/21/2024-16



2024 OCT 21 1